

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 1:16-CR-00224
	)	
Plaintiff,	)	JUDGE GAUGHAN
	)	
vs.	)	<u>SUPPLEMENT TO RENEWED</u>
	)	<u>MOTION IN LIMINE</u>
RADU MICLAUS, et al.	)	<u>Re: Testimonial Hearsay</u>
	)	<u>Statements</u>
Defendants.	)	
	)	
	)	

Now comes Defendant Radu Miclaus (the "Defendant"), by and through counsel, and hereby respectfully supplements Defendant's ***Motion in Limine Re: Testimonial Hearsay Statements*** (the "Motion in Limine") filed on June 24, 2018 (Document No. 73) and ***Renewed Motion in Limine re Testimonial Hearsay Statements*** (Document No. 93).

The purpose of this supplement is to try in good faith to identify the types of documents that are going to give rise to this court's review for hearsay and Crawford Cases analysis. In that regard, the Government and the undersigned are working to identify all of the exhibits (by reference to type of document and exhibit number) that the Government seeks to utilize and/or introduce at trial. That huge and arduous process is ongoing. The current

exhibit list delivered by the Government identifies 2431 exhibits. The exhibits (as marked per the exhibit list) have not been actually presented (in that order) yet. However, the Government has delivered a series of CDs (approximately 33 of them) that have a large (if not total) number of the documents that will at some point be the identified by exhibit number.

A review of those CDs reveal the type of documents that, so far, cause the Defendant great concern. They include (but are not limited to), in the context of the motion in limine:

- A. Applications, affidavits and the actual search warrants (or related investigatory search documents) for various items recovered by the Government. Obviously, the applications, affidavits and the search warrants themselves are replete with hearsay and Crawford Cases statements and cannot be used in trial.
- B. Text messages and emails from third parties (i.e. persons other than the three Defendants - e.g. Marius Matei and Bogdan Antonovivi and Steliana LNU, Martin Kleinberg, Michael Kuyt, Kelemen Donath, and "obe," "devnull," and others) that contain statements seemingly offered for the truth of the matter and/or which are bared by the Crawford Cases.
- C. Computer-based print-offs from phone dumps which identify the phone owner and some partial communications between the phone owner/possessor and others.
- D. Print-outs of user accounts from Google Docs and Google

Drive which name the Defendants and others.

- E. Police reports concerning observations made by Romanian agents about their observations and photographs they took.
- F. Bank records purportedly claiming that a payment was made to any of the Defendants.
- G. "Victim" sheets or charts showing various alleged victims by name and by amount lost.

As soon as the Government is able to produce the actual trial exhibits in the order as identified in the current exhibit list, the Defendant will be able to better clarify for the record which putative exhibits are specifically at issue. The Defendant just wanted to notice this Court about the progress of these trial preparation issues so that the parties and this Court are not bogged down at the last minute or at trial on these evidentiary issues.

Respectfully submitted;

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**PROOF OF SERVICE**

I hereby certify that a true copy of the foregoing has been filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic record. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic system.

S/Michael J. O'Shea  
Michael J. O'Shea